

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference  
8319-2-WO-01

#### FOR FURTHER ACTION

See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)

International application No.  
PCT/CA 02/01533

International filing date (day/month/year)  
11.10.2002

Priority date (day/month/year)  
11.10.2002

International Patent Classification (IPC) or both national classification and IPC  
B32B7/02

Applicant  
LEMIEUX, Alain

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
  - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand

29.04.2004

Date of completion of this report

06.09.2004

Name and mailing address of the international preliminary examining authority:



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# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/CA 02/01533

## I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

### Description, Pages

1-3, 5-8 as originally filed  
4 filed with telefax on 16.07.2004

### Claims, Numbers

1, 2, 4-13 filed with telefax on 16.07.2004

### Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/CA 02/01533**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	4-13
	No: Claims	1,2
Inventive step (IS)	Yes: Claims	
	No: Claims	1,2,4-13
Industrial applicability (IA)	Yes: Claims	1,2,4-13
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/CA 02/01533

As apparent from the document first cited in the search report, EP-A-0 890 373, the concept of a foam carpet comprising a top layer and a bottom layer made of the same material and a middle layer having a density lower than that of the outer layers and a compressibility higher than that of the outer layers formed part of the state of the art at the priority date (see column 1, lines 43 to 51 and column 3, lines 18 to 23).

The authorised officer concludes that the inventions outlined in claims 1 and 2 lack novelty over the prior art.

The inventions outlined in claims 4 to 13 are considered not to involve an inventive step because they appear to merely concretise or supplement the prior art concept by

- introducing restrictions defined so broadly that it does not appear plausible that (all embodiments of) the generic teaching defined by those restrictions should ensure the achievement of a desirable technical result derivable from the application as filed and/or
- presenting requirements any person skilled in the relevant technical field would have considered desirable.